

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ENDO PHARMACEUTICALS INC.
and GRÜNENTHAL GMBH,

Plaintiffs,

v.

C.A. No. 12-CV-8115-TPG

AMNEAL PHARMACEUTICALS,
LLC and AMNEAL
PHARMACEUTICALS OF NEW
YORK, LLC,

Defendants.

**DECLARATION OF BLAKE B. GREENE IN SUPPORT OF PLAINTIFF ENDO'S
MOTION TO STRIKE DEFENDANTS AMNEAL PHARMACEUTICALS, LLC'S AND
AMNEAL PHARMACEUTICALS OF NEW YORK, LLC'S OBVIOUSNESS DEFENSE**


I, BLAKE B. GREENE, declare as follows:

1. I am an attorney with Dechert LLP, which represents Plaintiff Endo Pharmaceuticals Inc. ("Endo") in this action.
2. I provide this declaration in support of Plaintiff Endo's Motion to Strike Amneal Pharmaceuticals, LLC's and Amneal Pharmaceuticals of New York, LLC's Obviousness Defense. The facts stated in this declaration are based on my personal knowledge.
3. I have reviewed the invalidity contentions served by the Ranbaxy and Actavis defendants in October 2013 in the related actions (No. 13-cv-4343-TPG and No. 12-cv-8985-TPG, respectively). The Madden, '933 patent, and Cleary references that Defendants identified during their closing argument at trial in this action (*see, e.g.*, DX-8007.6) are cited within those contentions.

4. Attached as Exhibit A is a true and correct copy of the Final Written Decision of the Patent Trial and Appeal Board in *Amneal Pharmaceuticals, LLC v. Endo Pharmaceuticals Inc.*, No. IPR2014-00360 (P.T.A.B.) (July 22, 2015) (“Final Written Decision”).
5. Attached as Exhibit B is a true and copy of relevant excerpts of Amneal Pharmaceuticals, LLC’s Petition for *Inter Partes* Review of U.S. Patent No. 8,329,216 Under 35 U.S.C. §§ 311-319 and 37 C.F.R. §§ 42.1-.80, 42.100-.123 in *Amneal Pharmaceuticals, LLC v. Endo Pharmaceuticals Inc.*, No. IPR2014-00360 (P.T.A.B.) (Jan. 17, 2014) (“IPR Petition”).
6. Attached as Exhibit C is a true and correct copy of the Decision of the Patent Trial and Appeal Board regarding Institution of *Inter Partes* Review in *Amneal Pharmaceuticals, LLC v. Endo Pharmaceuticals Inc.*, No. IPR2014-00360 (P.T.A.B.) (July 25, 2014) (“Institution Decision”).
7. Attached as Exhibit D is a true and correct copy of the statement of Senator Jon Kyl in the Congressional Record on March 8, 2011, 157 Cong. Rec. S1368-80, which is excerpted from 157 Cong. Rec. S1360-94 (daily ed. Mar. 8, 2011).

I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 6, 2015

By: 

Blake B. Greene
DECHERT LLP
300 W. 6th Street
Suite 2010
Austin, TX 78701
(512) 394-3000
blake.greene@dechert.com

ATTORNEY FOR PLAINTIFF
ENDO PHARMACEUTICALS INC.